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10/625,447

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EXAMINER

WU, QING YUAN

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,447	<b>Applicant(s)</b> MITTAL, GAURAV	
	<b>Examiner</b> Qing-Yuan Wu	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-12 and 15-42 are pending in the application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the limitation “the application information includes information for display to a user of the client device, but the link does not” was not disclosed in the specification. As disclosed, the specification recites displaying information about applications available for downloading and does not display the link [paragraph 27, 2005/0022182] and not whether the link including information for display to a user.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 and 15-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons et al (hereafter Gibbons) (U.S. Publication 2004/0034853).

6. Gibbons was cited in previous office actions.

7. As to claim 8, Gibbons teaches a method, comprising:

receiving at a client device a request for information describing available applications [user initiating a request through a Download Application (DA) of a Mobile Terminal (MT), pg. 6, paragraph 74, lines 5-9 and paragraph 75];

generating by the client device an initiation request for information describing available applications and for a link to an application descriptor corresponding to each respective available application [the DA residing in the MT retrieving a list of available Download Objects (DOs), therefore, the request is generated by the DA, the DA is not the wireless browser of the mobile terminal. There is no indication, suggestion, or hint that the DA is a browser, therefore it is the office's position that the DA is a wireless browser independent device application, pg. 4, paragraph 50, lines 14-17 and paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2; Used of BREW, WAP, and Wireless Application Descriptor (WAD), pg. 1, paragraphs 4 and 7], the application descriptor including attributes to allow a determination by the client device as to whether the respective application is suitable for the client device [WAD specifies metadata for DOs, metadata is specified as metadata element, and metadata element attributes include size of the DO and DO storage requirement, in which the (Application Manager (AM) of the) mobile

terminal used to determine whether it has enough storage space to store the DO to be downloaded before downloading, pg. 5, paragraphs 61-63, 71, Table 1; pg. 14, claims 7-10];

in response to the initiation request, receiving from an application server computer through a network server computer at least one application choice and corresponding link to an application descriptor for the at least one application [pg. 4, paragraphs 52-54; Figs. 1-2; Link specified location of a WAD, pg. 6, paragraphs 76 and 81]; and

displaying, at the client device, information identifying the at least one application choice [display by the DA residing in the MT, information about the DO, pg. 6, paragraph 76].

8. Gibbons does not specifically teach not displaying the corresponding link. However, Gibbons nonetheless teaches providing the link for use in the retrieval of the application descriptor [Link specified location of a WAD, pg. 6, paragraph 76]. A person of ordinary skill in the art at the time the invention was made would be motivated to display or not display the link as a matter of design choice because as disclosed by Gibbons, the location of the application descriptor is accessible using the information displayed and the link provided regardless of whether the link was displayed or not, and displaying the information about the link (i.e. embedded link) rather than the link itself to a user for accessing the application descriptor would have been an obvious design choice.

9. As to claim 1, this claim is rejected for the same reason as claim 8 above. In addition, Gibbons teaches the invention substantially as claimed including a method, comprising:

receiving from a client device an initiation request for information describing available applications [from the perspective of the domain where the download object is downloaded from and the perspective of the Application Download Server (hereafter ADS), pg. 4, paragraph 54; pg. 6, paragraph 80; Figs. 1-2; user initiating a request through a DA of a MT, pg. 6, paragraph 74, lines 5-9 and paragraph 75];

responsive to the initiation request, retrieving for each available application information describing a respective application and a link to an application descriptor for the respective application [the DA residing in the MT retrieving a list of available DOs and a link with a URI to a WAD, paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2], the application descriptor including attributes to allow a determination by the client device as to whether the respective application is suitable for the client device [WAD specifies metadata for DOs, metadata is specified as metadata element, and metadata element attributes include size of the DO and DO storage requirement, in which the (AM of the) mobile terminal used to determine whether it has enough storage space to store the DO to be downloaded before downloading, pg. 5, paragraphs 61-63, 71, Table 1; pg. 14, claims 7-10]; and

transmitting from at least one server computer the application information and the link to the client device [the DA residing in the MT retrieving a list of available DOs, paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2D; the DA is not the wireless browser of the mobile terminal. There is no indication, suggestion, or hint that the DA is a browser, therefore it is the office's position that the DA is a wireless browser independent device application, pg. 4, paragraph 50, lines 14-17 and paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2; Used of BREW, WAP, and

WAD, pg. 1, paragraphs 4 and 7; pg. 4, paragraphs 52-54; Figs. 1-2; DO is downloaded from protective domain, pg. 6, paragraph 81].

10. As to claim 2, Gibbons teaches the invention substantially as claimed including receiving from the client device a request for an application descriptor, said request comprising a link to the application descriptor; and transmitting said application descriptor to said client device [pg. 6, paragraph 76, lines 4-5 and paragraph 80].

11. As to claim 3, this claim is rejected for the same reason as claim 2 above. In addition, Gibbons teaches retrieving the selected application; and transmitting the selected application to the client device [pg. 6, paragraph 81].

12. As to claim 4, Gibbons teaches the invention substantially as claimed wherein the client device is one of a computer, a handheld device, a personal digital assistant, and a wireless mobile telephone [pg. 1, paragraph 5].

13. As to claim 5, Gibbons teaches the invention substantially as claimed including wherein the at least one server computer comprises at least one of a network server and an application server [pg. 4, paragraph 57, lines 8-10].

14. As to claim 6, this claim is rejected for the same reason as claim 5 above.

15. As to claim 7, Gibbons teaches the invention substantially as claimed including wherein the link is one of a uniform resource locator and a uniform resource identifier [pg. 5, paragraph 64; pg. 6, paragraph 76].

16. As to claim 35, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether the client device has a suitable operating environment for the respective application [pg. 1, paragraph 11; pg. 5, paragraph 69].

17. As to claim 36, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether the client device has sufficient memory to store and execute the respective application [pg. 2, paragraph 14, lines 17-20; pg. 5, paragraph 59, lines 2-4; Tables 1 and 3].

18. As to claim 37, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether a display for the client device is compatible with the respective application [pg. 2, paragraph 14, lines 8-15; pg. 9, paragraph 120, line 10; Table 3].

19. As to claim 16, this claim is rejected for the same reason as claims 1 and 8 above. In addition, Gibbons teaches a wide area network configured to interconnect at least one server computer and a client device [100, Fig. 1].



20. As to claim 17, this claim is rejected for the same reason as claims 2 and 3 above.

21. As to claims 18-21, these claims are rejected for the same reason as claims 4-7 above.

22. As to claim 26, this claim is rejected for the same reason as claim 8 above. In addition, Gibbons teaches a processor [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

23. As to claim 27, this claim is rejected for the same reason as claims 1, 6 and 26 above. In addition, Gibbons teaches a content/application download model [pg. 1, paragraphs 6-7; pg. 7, paragraph 87].

24. As to claim 28, Gibbons teaches the invention substantially as claimed including determining from the application descriptor whether an application is suitable for downloading; and upon a determination that the application is suitable for downloading to the client device, downloading the application [pg. 6, paragraphs 79-81; pg. 9, paragraph 119; Figs. 6 and 8].

25. As to claim 29, this claim is rejected for the same reason as claim 7 above.

26. As to claim 42, Gibbons teaches an input device coupled to the processor [pg. 9, paragraphs 111 and 113], an output device coupled to the processor [368, 375, Fig. 3], and a memory coupled to the processor and storing instructions to configure the processor [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

27. As to claim 22, this claim is rejected for the same reason as claims 1 and 26 above.

28. As to claims 23-25, these claims are rejected for the same reason as claims 2-4 above.

29. As to claim 41, Gibbons teaches a memory connected to the processor and storing program information [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

30. As to claim 9, this claim is rejected for the same reason as claim 27 above. In addition, Gibbons does not specifically teach displaying at the client device the application requested. However, Gibbons disclosed displaying information about DO (applications) [pg. 4, paragraph 56; pg. 6, paragraph 76], executing applications [pg. 1, paragraph 6] and icons that can be display on a GUI of a mobile device to represent application [pg. 9, paragraph 117; pgs. 9-10, paragraphs 122, 125; pg. 11, paragraph 131-132]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to further improve on the teaching of Gibbons by displaying application downloaded at the client device to provide a visual indication to user for the ease of visually invoking the application for execution.

31. As to claim 10, this claim is rejected for the same reason as claim 28 above.

32. As to claim 11, this claim is rejected for the same reason as claim 4 above.

33. As to claim 12, this claim is rejected for the same reason as claim 7 above.
34. As to claim 15, this claim is rejected for the same reason as claim 9 above. In addition, Gibbons teaches wherein the content/application download model is one of java application management system, binary runtime environment for wireless, and CoD [pg. 1, paragraph 7; pg. 7, paragraph 87].
35. As to claims 38-40, these claims are rejected for the same reason as claims 35-37 above.
36. As to claim 30, this claim is rejected for the same reason as claim 1 above.
37. As to claim 31, this claim is rejected for the same reason as claim 3 above.
38. As to claim 32, this claim is rejected for the same reason as claim 8 above.
39. As to claims 33-34, these claims are rejected for the same reason as claims 9 and 15 above.

***Response to Arguments***

40. Applicant's arguments filed 10/29/08 have been fully considered but are moot in view of the new ground of rejection.

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/

Primary Examiner, Art Unit 2194

/Qing-Yuan Wu/

Examiner, Art Unit 2194